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**WEEKS**

March 18, 1996

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Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Room 222  
Washington, D. C. 20554

Re: Telecommunications Services – Inside Wiring, Customer Premises  
Equipment, CS Docket No. 95 - 184

Dear Mr. Caton:

This letter is in response to the FCC's Notice of Proposed Rulemaking released on January 26, 1995, regarding telephone and cable wiring inside buildings. Our company is concerned that any action by the FCC regarding access to private property by several communications companies may adversely affect the value of our properties, affect the conduct of our business, and needlessly raise additional legal issues. The Commission's public notice also raises a number of other issues that concern us. Enclosed are an additional 4 copies of this letter.

Weeks Corporation is a publicly traded Real Estate Investment Trust in the office and industrial real estate business. Weeks owns and manages over 10 million square feet of space in more than 147 office and industrial buildings throughout the Southeast. Our customer base is now over 200 tenants.

**Issues Raised by the FCC's Notice**

The FCC's request for comments raises five primary issues of concern to us: access to private property; location of the demarcation point; standards for connections; regulation of wiring; and customer access to wiring. Following are explanations of these concerns.

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## **1. Access to Private Property**

I am sure you will appreciate that telecommunications is critically important to our commercial tenants. Businesses today rely on the best technology for effective and up-to-date telecommunications services. As a customer service company, it is equally important for us to ensure that our tenants receive all the services they need for conducting their business. The commercial real estate industry is fiercely competitive, and we must provide our tenants with access to the best technology in telecommunications services, in order for both parties to be successful.

Government intervention, however, is neither necessary nor desirable to ensure that telecommunications service providers can serve our customers. We believe that such intervention will have the unintended effect of interfering with our ability to effectively manage properties for our shareholders and owners. As building owners and managers we have responsibilities that can only be met if the owners rights are preserved, including coordination among tenants and service providers; managing limited physical space; ensuring the security of tenants, and visitors; and compliance with safety codes. Needless regulation will not only harm our interests, but those of our stockholders and tenants.

A building owner must have control over the space occupied by telephone lines and facilities, especially in a multi-occupant building, because only the landlord can coordinate the conflicting needs of multiple tenants and multiple service providers. Changes and improvements in technology from increased telecommuting to implementation of the new telecommunications law, are leading to a proliferation of services, service providers and telecommunications needs. With these changes, the role of the landlord or manager and the importance of preserving control over riser and conduit space will only grow. For this reason, we believe that the best approach to the issues raised in the request for comments is to allow building owners their option to retain ownership and control over their property, including inside wiring.

A building has a finite amount of physical space in which telecommunications facilities can be installed. Even if that space can be expanded, it cannot be expanded beyond certain limits, and it can certainly not be expanded without significant expense for buildout, and loss of revenue from leaseable area. Installation and maintenance of such facilities involves disruptions in the activities of tenants and changes to the physical structure of a building. Telecommunications service providers historically do not consider such factors because they do not share responsibility for any ill effects.

Building owners and managers have the responsibility of the security of our buildings and our tenants. Telecommunications service providers have no such obligation. Consequently, any maintenance and installation activities must be conducted within the rules established by a building's manager, and the manager must have the ability and the authority to supervise and control those activities. Given the public's justified concerns about personal safety, we must control access to and within our buildings.

Finally, we are responsible for compliance with local safety and building codes, and we are the front line in their enforcement. We can not ensure compliance with such requirements if we do not have control over who does what work in our buildings, or when and where they do it. Limiting our control in this area will unfairly increase our exposure to liability and adversely affect public safety.

We are fully capable of meeting our obligations to our tenants. To maintain our competitive advantage in the marketplace, we will continue to make sure they have the services they need. It is unnecessary for the government to interject itself in this field, and any action by the government is likely to prove counterproductive.

## **2. Demarcation Point**

The Notice also asks for comment regarding the need for a common demarcation point, and the location of such a demarcation point. We believe that the only criterion for the location of the demarcation point should be the nature of the property, and not the specific technology involved. In commercial buildings, the demarcation point should be inside the premises, preferably at the telephone vault or frame room, or any other area designated by the building owner or manager. In order to preserve the highest and best use of our properties, owners must retain the right to designate how space is used.

## **3. Connections**

The Notice asks whether the FCC should issue technical standards for connections. We believe that government action in this regard is unnecessary. The telecommunications industry has already established standards that are widely followed, and we believe that it is in the interests of the companies and their customers that they continue to be followed.

#### **4. Regulation of Wiring**

It is important to note that there are substantial differences between residential and commercial buildings, and while it may make sense to account for the convergence in technologies, it does not make sense to adopt uniform rules for all kinds of property. We are also concerned that the government might impose a new expense on building owners by requiring retrofitting of existing buildings. We believe such matters should be left to the ongoing discussions regarding amendments to the Model Building Code. Except where safety is involved, amendments to the building and electrical codes are seldom retroactive.

#### **5. Customer Access to Wiring**

We have no objection to permitting a customer to install or maintain its own wiring or buy the wiring from a service provider, provided that the rights of the owner of the premises are taken into account. A tenant's rights in wiring should not extend beyond the limits of the demised premises, and the landlord must retain the right to obtain access to the wiring and control the type and placement of such wiring. We also believe that the owner of the premises should have a superseding right to acquire or install any wiring if the owner should desire. In any case, a tenant's right to acquire or install wiring should be governed by state property law and the terms of the tenant's lease. We must retain the right to control activities on our own property.

In conclusion, I urge the FCC to consider carefully any action it may take. Thank you for your attention to our concerns.

Sincerely,



David Barker  
Vice President  
Property Management